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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,021	07/24/2006	Hirōyuki Taniyama	Q95750	1983
23373 7590 01/08/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER AMORES, KAREN J	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	Application No. 10/587,021	Applicant(s) TANIYAMA ET AL.	
	Examiner Karen J. Amores	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/24/2006</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "rib(s) for causing the holes of a closeable part" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 4, and 16 – 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 3 and 4 recite the limitation "the fixed part" in lines 3 and 4, respectively. There is insufficient antecedent basis for this limitation in the claims.
7. Regarding claim 4, the phrase "and so forth" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and so forth"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
8. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationship is the element "causing the airbag to be expanded" in lines 7 and 8 of the claim.

9. Claim 17 recites the limitation "the tear lines" in line 2. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 2, 4 – 6, 10, 13 – 18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fohl, U.S. 4,828,286 ("Fohl"). Fohl discloses an airbag device comprising an inflator for generating gas (column 1, line 8), an airbag being expandable by gas generated in the inflator (column 1, line 14), an airbag cover for covering the airbag (column 1, line 16), and a base plate (10) for fixing the airbag and the airbag cover thereto, wherein the airbag cover is openable outward at the time of expansion of the airbag caused by gas from the inflator, wherein the airbag cover has a plurality of open pieces for forming openings by tear lines and so forth at the time of expansion of the airbag (fig. 5), and the open pieces are fixed to a plurality of plastic deformable attachment parts which are provided on the base plate and the open pieces are completely separated and opened outward owing to the expansion of the airbag (column 4, line 33).
12. In reference to claims 2, 4, and 5, Fohl further discloses the airbag cover has a fixed part fixed directly or indirectly to the base plate substantially at a central portion thereof (fig. 4);

wherein the fixed part of the airbag cover is provided with a decorative member (54); and wherein attachment parts (32) are disposed along the peripheral edge of the base plate.

13. In reference to claim 6, Fohl discloses an airbag device comprising an inflator (24) for generating gas, an airbag (34) being expandable by gas generated in the inflator, an airbag cover (38) for folding the airbag to house the folded airbag therein and openable at the time of expansion of the airbag, a base plate (10) having an opening at a central portion in which the inflator is fitted, and a cushion plate (30) for clamping and holding the airbag between itself and the base plate, wherein the cushion plate has concave parts on its front face for housing a clamping and holding part of a connection member (fig. 4), and a central portion of the airbag cover being opened by tear lines (fig. 5), and so forth at the time of expansion of the airbag is connected to the connection member which is clamped and held by the base plate and the cushion plate together with the airbag (column 3, line 9), and the connection member holds the central portion of the airbag cover at the time of spread of the airbag bag when the airbag is expanded forward by gas from the inflator while getting across the central portion of the airbag cover (fig. 7).

14. In reference to claim 10, Fohl discloses an airbag device comprising an inflator for generating gas (column 6, line 46), an airbag (34) being expandable by gas generated in the inflator, an airbag cover (38) for covering the airbag, and a base plate for fixing the airbag and the airbag cover (column 2, line 35), wherein the airbag cover is openable outward at the time of expansion of the airbag caused by gas from the inflator, wherein the airbag cover has a fixed part (54) fixed directly or indirectly to the base plate substantially at a central portion thereof, and a plurality of open pieces formed around the fixed part (fig. 5), and the airbag has a cylindrical part

which is restrained from being come out by the fixed part at the time of expansion of the airbag so as to be expandable forward across the fixed part (fig. 7), and the fixed part of the airbag cover has a concave part for guiding the airbag at the time of spread of the airbag (fig. 4)

15. In reference to claims 13 – 15, Fohl further discloses a plurality of open pieces of the airbag cover are openable outward around the fixed part (fig. 5), and separated from one another after the spread of the airbag; wherein in that a decorative member (54) or a horn equipment is housed in the concave part; and wherein the decorative member covers the cut parts of the tear lines formed around the concave parts of the airbag cover not to be visible from outside (column 5, line 55).

16. In reference to claim 16, Fohl discloses an airbag device comprising an inflator for generating gas (fig. 3), an airbag being (34) expandable by gas generated in the inflator, an airbag cover (38) for covering the airbag, and a fixed plate (10) for fixing the airbag cover, wherein the airbag has an opening hole part (B) formed on a part thereof by aligning at least two pieces of base cloths with each other, each piece of base cloth having at least hole parts displaced in position (fig. 8), while the airbag cover has a concave part (54) fixed directly or indirectly to the base plate substantially at a central portion thereof, and the concave part guides respective hole parts of the opening hole part, causing the airbag to be expanded.

17. In reference to claims 17, 18, and 21, Fohl further discloses the concave part is separated by the tear lines formed around or inside the concave part at the time of spread of the airbag (fig. 5); wherein the concave part is connected to the airbag cover by at least one linking part (38) which is separable with ease; and wherein a decorative member (54) or a horn equipment is housed in the concave part.

18. Claims 6, 7, and 9 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hauer, U.S. 6,695,344 ("Hauer"). Hauer discloses an airbag device comprising an inflator for generating gas (column 1, line 6), an airbag being expandable by gas generated in the inflator (column 1, line 9), an airbag cover for folding the airbag to house the folded airbag therein and openable at the time of expansion of the airbag (column 1, line 12), a base plate (7) having an opening at a central portion in which the inflator is fitted, and a cushion plate for clamping and holding the airbag between itself and the base plate (column 2, line 13), wherein the cushion plate has concave parts (24) on its front face for housing a clamping and holding part of a connection member, and a central portion (38) of the airbag cover being opened by tear lines, and so forth at the time of expansion of the airbag is connected to the connection member which is clamped and held by the base plate and the cushion plate together with the airbag (fig. 1), and the connection member holds the central portion of the airbag cover at the time of spread of the airbag bag when the airbag is expanded forward by gas from the inflator while getting across the central portion of the airbag cover (column 2, line 39).

19. In reference to claims 7 and 9, Hauer further discloses the connection member has holes or recesses (column 2, line 9), and the concave parts of the cushion plate have protrusions capable of engaging with the holes or the recesses (fig. 2); and wherein the connection part is made of a metal member (column 2, line 13).

20. In reference to claim 10, Hauer discloses an airbag device comprising an inflator for generating gas (column 2, line 42), an airbag being expandable by gas generated in the inflator (fig. 1), an airbag cover (7) for covering the airbag, and a base plate (7) for fixing the airbag and



the airbag cover, wherein the airbag cover is openable outward at the time of expansion of the airbag caused by gas from the inflator (fig. 2), wherein the airbag cover has a fixed part fixed directly or indirectly to the base plate substantially at a central portion thereof (fig. 3), and a plurality of open pieces formed around the fixed part (column 1, line 40), and the airbag has a cylindrical part which is restrained from being come out by the fixed part at the time of expansion of the airbag so as to be expandable forward across the fixed part (column 1, line 42), and the fixed part of the airbag cover has a concave part for guiding the airbag at the time of spread of the airbag (fig. 3)

21. In reference to claims 11 – 14, Hauer further discloses a group of tear lines (34) for partitioning a plurality of open pieces formed at and around the fixed part are provided on the inner face of the airbag cover, and the open pieces are openable outward by the tear lines at the time of spread of the airbag (column 3, line 30); wherein the tear lines are formed as grooves provided on the inner face of the airbag cover (fig. 3), and the tear line formed around the fixed part has parts which are cut beforehand (column 1, line 13); wherein a plurality of open pieces of the airbag cover are openable outward around the fixed part (column 1, line 24), and separated from one another after the spread of the airbag (fig. 2); and wherein in that a decorative member (50) or a horn equipment is housed in the concave part.

### ***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fohl in view of Hauer. Fohl discloses the airbag cover having tear lines for opening each of the open pieces outward while leaving the a fixed part (54), and the tear lines comprise a tear line (38A) having a substantially circular shape for partitioning each of the open pieces, and a plurality of tear lines extending outward from the tear line having the circular shape in the radial direction thereof (fig. 5). Fohl does not directly disclose the tear lines at the inner face. Hauer teaches tear lines (34) at an inner face. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Fohl such that it comprised the tear lines at the inner face in view of the teachings of Hauer so as to not be visible to the occupant.

24. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauer in view of Nishijima et al. U.S. 6,042,147 ("Nishijima"). Hauer discloses the connection member fastened and fixed to the concave parts of the cushion plate. Hauer does not directly disclose a bolt for fixing the inflator. Nishijima teaches a bolt for fixing an inflator (column 5, line 6). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Hauer such that it comprised the bolt in view of the teachings of Nishijima so as to fix the inflator as a common fastener old and well known in the art.

25. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauer in view of Fohl. Hauer discloses an airbag device comprising an inflator (5) for generating gas,

an airbag (3) being expandable by gas generated in the inflator, an airbag cover (9) for covering the airbag, and a fixed plate (7) for fixing the airbag cover, wherein the airbag has an opening hole part (16), while the airbag cover has a concave part (38) fixed directly or indirectly to the base plate substantially at a center portion thereof. Hauer further discloses the airbag cover having a rib (36) for causing the holes of a closeable part to be held in a state to be always aligned with each other when the airbag is housed in the airbag cover. Hauer does not directly disclose forming a part by aligning at least two pieces of base cloths with each other. Fohl teaches forming a part (34A) by aligning at least two pieces of base cloths with each other, each piece of base cloth having at least hole parts displaced in position (fig. 8). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Hauer such that it comprised the base cloths in view of the teachings of Fohl so as to assemble the annular air bag in a common manner old and well known in the art.

26. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauer and Fohl as applied to claim 19 above, and further in view of Nagata, U.S. 5,647,610 ("Nagata"). Hauer and Fohl do not disclose the rib by a plural number. Nagata teaches ribs (17e) disposed by a plural number, the ribs having substantially the same shape as a concave part (36) and disposed circumferentially. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Hauer and Fohl such that it disclosed the ribs in view of the teachings of Nagata so as to be capable of depressing a membrane or horn switch underneath (column 5, line 23).

***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marotzke et al. U.S. 7,246,820 discloses an airbag device comprising an inflator for generating gas.

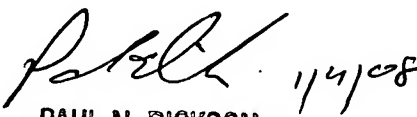
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen J. Amores whose telephone number is (571)-272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571)-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen J. Amores  
Examiner  
Art Unit 3616

/KJA/  
31 December 2007

  
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